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for the punishment of said felonies, and for the purposes of this act, he shall be held to be serving one continuous term, equal to such aggregate.

A sentence imposed under this act shall be known as an indeterminate sentence.

SECTION 2. If it appears to the board of parole for the state prison and the Massachusetts reformatory that a prisoner held in the state prison or in a house of correction upon an indeterminate sentence imposed under this act has reformed and is likely to lead an orderly and law-abiding life, and it has a reasonable assurance that he will not become a charge upon public or private charity, it may issue to him a permit to be at liberty during the remainder of his sentence, upon such terms and conditions as it shall prescribe.

If the holder of a permit issued under the provisions of this act, violates any of its terms or conditions, or violates any law of this commonwealth, before the expiration of his sentence, such violation shall make void such permit. The prison commissioners may revoke any permit to be at liberty issued under the provisions of the preceding section.

SECTION 3. When any such permit has become void or has been revoked, they may issue an order authorizing the arrest of the holder thereof by any agent appointed by said commissioners, or by any officer qualified to serve civil or criminal process in any county, and the return of such holder to the prison from which he was released.

A prisoner who has been so returned to his place of confinement shall be held therein according to the terms of his original sentence. In computing the period of his confinement, the time between his release upon permit and his return to prison shall not be considered as any part of the term of his original sentence.

SECTION 4. This act shall take effect on the first day of July of the present year.

R. H. G.

Public Defenders of Portland and Los Angeles Write of Their Work.—

R. S. Gray, who has been one of the foremost attorneys on the Pacific Coast to advocate the need of public defenders in our criminal and civil courts, and who believes that there should be a reorganization of bar that would provide for a paid bureau of lawyers to conduct all trials in courts, has received two letters, one from the public defender recently appointed by the superior court in Portland, and one from the public defender of Los Angeles, whose office was created by provision of the county charter adopted last year. The letters are reprinted here from the *Recorder* of San Francisco of March 2, 1914—Ed.

From Walter J. Wood, Public Defender of Los Angeles.

Dear Sir: "I am firmly of the opinion that there should be lawyers provided to conduct criminal cases, both for the prosecution and the defense. * * * *

"There has been no appointment of assistant public defender. However, several attorneys are now at work in the office under temporary appointment as deputies or assistants. Mrs. Norton is also at work in the office as adjuster, having received a temporary appointment under authorization from the Board of Supervisors. The Civil Service Commission has not held an examination for adjuster up to the present time and therefore there is no eligible list from which to appoint.

"We have more work than we can attend to, practically all of the people

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accused of crime, who have no funds to employ counsel, having called for the services of the public defender. About twenty applications have been received each day for aid in the civil branch of our work. Many of these cases are such that we are not permitted to handle them under the provisions of the charter.

"I see now, more than ever, the great need for the office of public defender, and I am glad that you are working to the end that the office be created elsewhere."

From Henry L. Lyons, Public Defender of Portland.

Dear Sir: "Yours of the 23rd instant, in reference to my work here as public defender, has been received, and I take pleasure in giving you what information I have concerning the office and circumstances.

"Municipal Judge Stevenson, who is the police judge, and who also acts as committing magistrate in State cases, felt the need of a public defender in his court, and as there was no way to provide a salary at present for a regular incumbent of the office, he took up the matter with Mr. Arthur Langguth as President of the Multnomah County Bar Association. It took but a very short time to make the necessary arrangements, and it was decided to attempt to secure regular practicing attorneys who would be willing to devote, say, one week each to the work, without compensation. I was very glad to have the privilege of being the first to take up the work, and I spent two weeks defending persons who were unable to hire an attorney.

"The Bar Association has prepared a list of attorneys who are willing to donate their services for one week each to this work, and these names are submitted to Judge Stevenson from time to time for appointment. I have no doubt that the work can be continued for a long time in this way, if necessary..

"I was provided with a key to the room in which the prisoners are placed while awaiting trial, and I went in to see them before court every morning, and as often during the day as necessary. I always explained to them that my services were free and that I had been appointed by the court to represent those who desired the services of an attorney and were unable to get one. Those who were able to pay an attorney were advised to employ one, but I was always careful never to recommend, or even to suggest, the name of an attorney to them. A great many of the prisoners availed themselves of my services, and I had the satisfaction of feeling that I was of assistance to some of them at least.

"In the press of police court work, with the police officers, and the City Attorney's office, or the District Attorney's office, all on the side of the prosecution, a prisoner who is without an attorney is at a great disadvantage in the trial of his case. The municipal court is particularly the people's court. It is the court that deals more closely with everyday affairs of life, and comes into closer touch with the people than any other, and it is especially important that every protection and care should be given to those who are brought before it. Their cases may seem small to the public, but they are exceedingly important to those involved, and while Judge Stevenson is as kind-hearted and sympathetic toward the accused as a judge could well be, yet it is impossible for any court to see that their side of the case is properly or fully presented, and that they avail themselves of their legal rights and defense, if they have no attorney to assist them. As Judge Stevenson said to me, the

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mere fact that someone is present in court to take the side of the accused, acts as a sort of balance and preserves the equilibrium of justice.

"As the work was new here there was some question as to how far the public defender should go, or how energetic he should be in the defense of those he represents. For that reason it was thought best, at least at first, that the public defender should limit his defense to assisting the court in bringing out the prisoner's side of the case, rather than making a vigorous fight on technical grounds if necessary, to secure an acquittal. I understand that in Los Angeles the public defender is expected 'to work as diligently in the defense of any accused person as the District Attorney does in the prosecution.' That seems to me to be a very good guide or rule of conduct for the public defender.

"My hope and belief is that the need of a public defender will become so apparent, not only here in Portland, but everywhere else, so that the office will be definitely created and a sufficient salary provided to secure a competent man for the place. Such a man could be of great benefit to the poor and helpless.

"There is nothing private or confidential about this communication, and you are at liberty to make such use of it as you see fit. I am glad to give the matter all publicity possible, in the hope that it will assist in spreading the movement and that it will soon become established all over the country." * * * *

Novelties in the New Italian Code of Criminal Procedure.—As usual, the October, 1913, issue of *La Sciola Positiva* is replete with important and interesting matter for criminologists. There are original articles, notes on legislation, reviews of books and articles, and learned comments on recent decisions.

The original article is a continuation of an article begun in the September issue, and deals with evidence in the new code of criminal procedure. The article treats of the novelties introduced into the new code. Among these are the following: The public prosecutor is to adduce before the trial court, testimony on both sides.—testimony not only inculcating the defendant but also testimony exculpating him. The author of the article, Salvatore Messina, maintains that this provision of the code is to be interpreted broadly; and that although a quasi-judicial attitude on the part of the public prosecutor is fit for the preliminary hearing, it is not fit for the subsequent trial in the higher court, because, says he, the public prosecutor before presenting the case to the magistrate, makes an independent examination and comes to a conclusion as to the probability of the defendant's guilt. And it is only then, when he believes that there is a sufficiently strong case against the defendant that he presents it to the magistrate.

In the higher court the public prosecutor's judgment has been sustained by the magistrate, and so the public prosecutor comes to the trial there, not to present doubts as to the guilt of the defendant but to prove a case against him.

The method of the production of proof is to have ready for the inspection of the other side a list of witnesses two or three days before the trial, depending on the court in which the trial is to be held. The testimony may be any element of proof. In fact the public prosecutor and the parties may ask not